

EXHIBIT A



PATROL GUIDE

Section: General Regulations		Procedure No: 203-01	
ORDER OF RANK			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

ORDER OF RANK

1. The order of rank in the police service is:
 - a. Chief of Department
 - b. Bureau Chief
 - c. Assistant Chief
 - d. Deputy Chief
 - e. Inspector
 - f. Deputy Inspector
 - g. Captain
 - h. Lieutenant
 - i. Sergeant
 - j. Police Officer/Detective
2. Police Department Chaplains and Surgeons have the assimilated rank of Inspector.
3. Seniority in rank among members appointed or promoted at the same time is determined by position on appointment or promotion list.
4. At a police incident, the senior uniformed member, in R.M.P. assigned to incident or on foot patrol at the scene, will direct and coordinate police operations pending arrival of the supervisor. If R.M.P. assigned to incident is delayed and no uniformed member is assigned to foot patrol at the scene, the senior uniformed member first on the scene will take charge, pending the arrival of supervisor or assigned R.M.P.





PATROL GUIDE

Section: General Regulations		Procedure No: 203-05	
PERFORMANCE ON DUTY - GENERAL			
DATE ISSUED: 06/04/15	DATE EFFECTIVE: 06/04/15	REVISION NUMBER:	PAGE: 1 of 2

PERFORMANCE ON DUTY

1. Perform all duties as directed by competent authority.
2. Remain on post until properly relieved, except for police necessity, personal necessity or meal period.
 - a. Notify telephone switchboard operator and, if possible, make entry in **ACTIVITY LOG (PD112-145)** before leaving post.
 - b. Make entry upon return to post and notify telephone switchboard operator.
3. Take meal period in police facility, a bona fide restaurant or Department vehicle.
4. Make accurate, concise entries in Department records in chronological order, without delay, using black or blue ink.
5. Sign Department reports or forms with full first name, middle initial and surname.
 - a. Print and write legibly.
 - b. Utilize shield and tax registry numbers as required.

NOTE

*Civilian members of the service (e.g., school safety agent supervisors) as well as uniformed members of the service (e.g., rank of lieutenant and above) who do not possess a shield number are required to utilize their tax registry number instead as an additional means of identification on Department forms. The use of the tax registry number by these members is mandated even when there is no specific caption calling for it. For example, supervisors in the rank of lieutenant and above will enter their tax registry number in the "Shield No." caption at the bottom of the **PROPERTY CLERK INVOICE (PD521-141)** after witnessing and verifying the packaging of evidence/property/currency. Entry of the tax registry number will also apply to any other Department form currently in use.*

6. Make corrections on Department records by drawing an ink line through incorrect matter. Enter correction immediately above and initial change.
7. Use numerals when entering dates on Department forms, e.g., 1/5/79.
8. Use abbreviation "Do" for ditto.
9. Start serial numbers with one at beginning of each year for official forms or reports, unless otherwise specified.
10. In the absence of supervisory presence or direction, a member may wear dual purpose disorder control/scooter helmet at own discretion if it is believed that safety is endangered or conditions warrant. In all supervised situations, the ranking member on the scene will determine in the first instance if helmets are to be worn or removed except in emergencies, such as those situations where the member reasonably believes that there is a substantial and specific imminent threat to the safety of the member. Members of the service shall have the discretion to carry their helmets on their duty belts, or to secure the helmet within sight and sound of the scene (e.g., in a vehicle, premises, or with another member of the service), to be deployed as circumstances warrant.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
203-05	06/04/15		2 of 2

**PERFORMANCE
ON DUTY
(continued)**

The following guidelines regarding the wearing/carrying of helmets will apply:

- a. Any member operating a motor scooter must wear a helmet (face shield is also required when operating two-wheel scooter)
 - b. A member must wear or carry helmet when specifically directed to do so
 - c. Members performing Radio Motor Patrol in uniform will keep helmets in the vehicle trunk for use if needed
 - d. All other members shall keep their helmets in their lockers where they will be readily accessible.
11. Answer telephone promptly, stating in a courteous manner, command, rank or title, surname, and "May I help you?"
 12. Be responsible for humane treatment and safekeeping of prisoners in custody or detained in Department facility over which member has supervision.
 13. Maintain Department property issued or assigned for use in serviceable condition.
 14. Deliver recovered property, property removed from a prisoner, or property removed from an emotionally disturbed, intoxicated or incapacitated person, to the desk officer of the precinct where obtained unless otherwise directed.
 15. Announce presence before entering a locker room, dormitory, lavatory, utilized by members of the opposite sex, except in an emergency. In addition, be accompanied by member of said opposite sex, if practicable.

NOTE

In complying with the regulation above, desk officers concerned will make an entry in Command Log indicating time/date of member(s) of the service utilizing dormitory and reason, and will inform inspecting officers if dormitory is being used prior to conducting inspection. Additionally, inspecting officers will peruse the Interrupted Patrol Log, etc., to ascertain who is authorized in facility prior to conducting inspection.

16. Operate Department vehicles only when assigned and only when Department qualified to operate such vehicle.
17. Use Department radio for field communications except under limited circumstances.
 - a. Department and personal cellular phones may be used for field communications when content of the communication is not appropriate for radio transmission due to length or subject matter (e.g., detailed information about incident, personal information, names of persons, notifications, etc.).



PATROL GUIDE

Section: Mobilization/Emergency Incidents		Procedure No: 213-05	
DUTIES AT AN UNUSUAL DISORDER			
DATE ISSUED: 07/19/16	DATE EFFECTIVE: 07/19/16	REVISION NUMBER:	PAGE: 1 of 9

PURPOSE

To establish specific duties and responsibilities with respect to uniformed members assigned to unusual disorders.

PROCEDURE

When directed to respond to a scene of an unusual disorder:

UPON REPORT OF A LEVEL ONE OR HIGHER MOBILIZATION:

PCT. CO/ XO DUTY INSP./ DUTY CAPT./ OR UMOS OF HIGHER RANK

1. Report to the command post.
 - a. Contact the command post by radio or telephone, while enroute, to get an assessment of the situation.
2. Upon arrival at command post:
 - a. Assume the role of Incident Commander as per *P.G. 213-03, "Rapid Mobilization."*
 - b. Designate suitable mobilization point.
 - (1) Arrange for traffic posts and security posts at that location.
 - c. Authorize the mobilization of additional personnel, if necessary, after briefing by patrol supervisor, borough wheel, or Operations Unit.
 - d. Debrief highest-ranking supervisor on scene.

NOTE

The responding uniformed member concerned need not be present at the scene to authorize a higher level of mobilization.

3. Ensure that a properly staffed and operating command post has been established and:
 - a. Identify location for command post.
 - b. Request precinct, police service area, or transit district disorder plan be delivered to the command post.
 - c. Organize the command post staff, if not already established, from available personnel to perform as:
 - (1) Operations Officer - Tactical advisor
 - (2) Intelligence Officer - Intelligence advisor
 - (3) Personnel and Administrative Officer - Staffing advisor
 - (4) Logistics Officer - Equipment advisor.
 - d. Review disorder area.
 - (1) Utilize maps, if unable to personally inspect area.
4. Establish communications by:
 - a. Conferring with Communications Section for an appropriate citywide frequency.
 - b. Having special or additional frequencies used for conversation between captains and above.
 - c. Using cellular telephones at command post to improve communications.
 - d. Having RMPs with mobile digital terminals utilized to bolster communication and deployed, by the personnel officer, where needed, e.g., mobilization point, borough and command post.
 - e. Implementing dual dispatch system, (i.e., high priority calls go to disorder control personnel; lower priority calls to precinct units).



PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
213-05	07/19/16		2 of 9

NOTE

Communications Section must be conferred with regarding the frequency to be used during mobilization.

**PCT. CO/ XO
DUTY INSP./
DUTY CAPT./
OR UMOS OF
HIGHER RANK
(continued)**

5. Deploy responding uniformed members by:
 - a. Formulating a plan of action.
 - b. Estimating the size, movement, motivation, intent, and leadership of the disorderly group.
 - c. Identifying:
 - (1) The participants of the crowd or disorderly group
 - (2) The geographical boundaries of the area involved.
 - d. Estimating the duration and intensity of the disorder.
 - e. Beginning efforts to control the spread of rumors.

NOTE

Community affairs personnel with community leaders, as listed in Appendix "H" of the command's unusual disorder plan, can be used to dispel rumors and disseminate accurate information.

- f. Identifying future targets, if applicable, by utilizing community affairs and detective personnel.
- g. Dividing the disorder area into sectors for mobile patrol by Strategic Response Group personnel, preferably in vans.
- h. Containing and isolating disorderly groups by sectoring, perimeter checkpoints, arrest, etc.
- i. Having Strategic Response Group personnel use mobile tactics of speed, surprise and deception to accomplish their assignment.
 - (1) Deploy personnel as a unit, when possible, to mobile or foot posts within the designated sectors.
- j. Directing that arrests be made, when appropriate.
- k. Deploying two-thirds of available enforcement personnel and holding one-third personnel in reserve.
- l. Assigning additional personnel, if needed, when sufficient mobile forces are deployed in sectors, as follows:
 - (1) Foot posts - assign one sergeant and eight police officers to posts of sufficient size.
 - (2) Perimeter check point posts - assign at least one disorder control squad, consisting of one sergeant and eight police officers, to each check point to perform the following:
 - (a) Prevent disorderly persons from entering or leaving area through checkpoint.
 - (b) Keep curiosity seekers and unauthorized persons out of area.
 - (c) Reroute public or private transportation vehicles around the area.
 - (d) Provide rooftop and overhead security.
6. MUST provide patrol borough and Operations Unit with regular updates on the progress of disorder control efforts, as well as unusual developments, or the need for additional resources.



PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
213-05	07/19/16		3 of 9

**PCT. CO/ XO
DUTY INSP./
DUTY CAPT./
OR UMOS OF
HIGHER RANK
(continued)**

7. Instruct all supervisors on the following:
 - a. Nature of the disorder.
 - b. Mission and objectives, including specific objectives for specialized units.
 - c. Reminder that independent or unauthorized actions will not be tolerated.
 - d. Use minimum force necessary to achieve objectives.
 - e. Location of arrest processing areas.
 - f. Location of command post and appropriate telephone numbers.
 - g. Post or sector boundaries, radio call signals and designated frequency.
 - h. Use of specialized equipment.
 - i. Tactics that will be utilized.
 - j. Reporting ring schedules for command post, staggered for enforcement units every thirty minutes; hourly for all other concerned units.
 - k. Need to immediately report important or unusual events.

NOTE

Captains may be assigned as commanders of Strategic Response Groups or borough sized precinct personnel contingents and will maintain unity of assignment for the particular unit commanded. (Team assignments are listed in ADDITIONAL DATA).

8. Prepare for relief as follows:
 - a. Have commander ending his/her tour confer with new Incident Commander.
 - b. Have both commanders debrief all field commanders concerning:
 - (1) Changing patterns of disorder
 - (2) Strength of disorderly groups
 - (3) Any police related incidents occurring during tour
 - (4) Any recommendation as to changes in overall strategies, etc.

LIEUTENANT

9. Respond quickly and safely to stationhouse, ascertain the mobilization point, and respond promptly by RMP.
10. Assume duties as mobile field force commander.

NOTE

Lieutenants will be responsible for the performance of squads under their command. Squads will consist of one sergeant and eight police officers from each precinct in the assigned mobile field force.

11. Assist Incident Commander, in the operation of the field command post, if directed.
12. Assume duty as either the Operations, Personnel, Intelligence or Logistics Officer (see ADDITIONAL DATA), if assigned to the field command post.
13. Have helmet, baton, flashlight, **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)** and disorder control guidelines available on patrol in RMP.
14. Direct that Department vehicles be parked in designated spaces only, at mobilization point.
15. Follow instructions of captain/incident commander, instruct responding sergeants and collect **DETAIL ROSTER/ASSIGNMENT SHEETS**.
 - a. Submit collected **DETAIL ROSTER/ASSIGNMENT SHEETS** to command post.

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PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
213-05	07/19/16		4 of 9

**LIEUTENANT
(continued)**

16. Instruct sergeants as to what radio frequency is being used and ensure that all radios are tuned to the designated frequency.
 - a. Maintain radio discipline of subordinate members.
17. Inspect sergeants for required uniform and equipment.
 - a. Warn sergeants against unauthorized radio transmissions which are potentially dangerous to all members assigned to disorder.
18. Have sergeants deliver vehicle keys to vehicle security detail, if required.
19. Explain instructions carefully to all sergeants and ensure that all subordinates, including police officers, receive these instructions and record pertinent information, such as:
 - a. Importance of team concept in disorder control
 - b. Post and/or sector boundaries
 - c. Nature of disorder
 - d. Mission of the team
 - e. Location and telephone number of command post and arrest processing area
 - f. Identification of Incident Commander, platoon-mobile field force lieutenant, and other key ranking officers
 - g. Equipment information
 - h. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.

NOTE

Squads will consist of one sergeant and eight police officers from the same precinct. Sergeants will be called by precinct designation, example "46 sergeant". Mobile field force will consist of precinct personnel as listed in ADDITIONAL DATA, page 10, e.g. 1st, 5th and 7th Precincts are designated the 1st mobile field force; 46th, 47th, 50th, and 52nd Precincts are designated the 9th mobile field force. Lieutenants will be called by lieutenant's mobile field force designation, example "9th mobile force lieutenant".

20. Instruct subordinate members of the following assignment guidelines:
 - a. Do not act independently; follow direction and adhere to the team concept.
 - b. Do not "punish," rather, be "professional" at all times.
 - c. Ensure that only minimum force is used to achieve objectives.
 - d. Be tolerant of verbal abuse uttered by civilians in crowd in attempting to provoke an incident.
 - e. Maintain formation when advancing in a disorder situation.
 - f. Maintain one arm's length distance between themselves and the adjoining member.
 - g. "On guard" stance should be used by all members in either a line or wedge formation.
 - h. Be aware of potential danger of rooftops and high ground locations, e.g., rock/bottle throwers, snipers, etc.
 - i. MAINTAIN FIREARMS DISCIPLINE.

NOTE

Supervisors of arrest teams should not stray from police lines due to the possibility of being surrounded by crowd members. Supervisors should also ensure that arresting officers adequately observe and document the actions of those arrested, prior to and during the arrest.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
213-05	07/19/16		5 of 9

**LIEUTENANT
(continued)**

21. Instruct subordinate members of the following PROHIBITED CONDUCT:
 - a. Do not permit any subordinate to become complacent, regardless of their particular assignment.
 - b. Do not permit any subordinate to break from formation or act independently, i.e., "Think Team."
 - c. Do not permit sergeants to assign less than two officers to roof top posts, rear yards or alleys.
 - (1) Ensure that only uniformed officers are given these assignments.
 - d. Do not permit unnecessary conversation.
 - e. Do not permit officers to congregate on post.
 - f. Do not permit unauthorized radio transmissions.
 - g. Do not permit sergeants to assign members in civilian clothes to rooftops, rear yards, or alleys.

NOTE

A lieutenant is responsible for overseeing one mobile field force consisting of three to five squads, each consisting of one sergeant and eight police officers. In disorder control situations, it is imperative that lieutenants reinforce the "team concept" of working together to form a larger team and not individually. Each mobile field force can be given a variety of assignments (see ADDITIONAL DATA for listing of team assignments).

SERGEANT

22. Respond quickly and safely to stationhouse, form squad of eight police officers, insure they are properly equipped and respond to mobilization point as directed by van.
23. Assume duties of squad sergeant.

NOTE

Sergeants will be responsible for the performance of the squad they are assigned. Each squad will consist of eight police officers from the sergeant's respective precinct.

24. Prepare **DETAIL ROSTER/ASSIGNMENT SHEET** enroute to mobilization point.
25. May be directed to assist the Incident Commander in the operation of the field command post.
26. Assume duty as either the Operations, Personnel, Intelligence, or Logistics Officer (see ADDITIONAL DATA), if assigned to the field command post.
27. Have helmet, baton, flashlight, **DETAIL ROSTER/ASSIGNMENT SHEET**, and disorder control guidelines available on patrol in RMP.
28. Follow instructions of supervisors, inspect members assigned, submit **DETAIL ROSTER/ASSIGNMENT SHEET**, etc.
29. Ensure that portable radio is on designated frequency and maintain radio discipline of subordinates.
30. Direct that Department vehicle is parked in designated area only.
31. Have vehicle keys delivered to security detail, if required.
32. Conduct thorough inspection of members assigned.
33. Explain instructions carefully to all police officers assigned, instructing uniformed members concerned to record important information such as:
 - a. Importance of team concept in disorder control.
 - b. Post and/or sector boundaries.
 - c. Nature of disorder.
 - d. Equipment information.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
213-05	07/19/16		6 of 9

**SERGEANT
(continued)**

- e. Mission of squad.
- f. Location and phone number of command post and arrest processing area.
- g. Identification of Incident Commander, platoon-mobile field force lieutenant, and other key ranking officers.
- h. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.

NOTE

Each squad will consist of one sergeant and eight police officers from the same precinct. Sergeants will be called by precinct designation, example "46th sergeant". Mobile field force will consist of precinct personnel as listed in ADDITIONAL DATA, page 8, e.g. 1st, 5th and 7th Precincts are designated the 1st mobile field force; 46th, 47th, 50th, and 52nd Precincts are designated the 9th mobile field force. Lieutenants will be called by their mobile field force designation, example "9th mobile field force lieutenant". Captains will command three mobile field forces of each borough and will be called by their borough designations, e.g., "Bronx captain".

**POLICE
OFFICER**

- 34. Instruct subordinate members on the assignment guidelines as listed in step 20.
- 35. Instruct subordinate members on PROHIBITED CONDUCT as listed in step 21.
- 36. Have helmet, baton, flashlight and disorder control guidelines available in RMP on patrol.
- 37. Respond quickly and safely to stationhouse or mobilization point as directed.
- 38. Follow instructions of supervisors.
- 39. Have portable radio tuned to designated frequency, when directed.
- 40. DO NOT drive through a disorder area to reach a mobilization point or staging area.
- 41. Park Department vehicle in designated space ONLY.
 - a. DO NOT BLOCK OTHER VEHICLES.
 - b. Give keys of RMP to security detail, if required.
- 42. Listen to instructions carefully and record important information such as:
 - a. Post and/or sector boundaries
 - b. Nature of disorder
 - c. Mission of the team
 - d. Equipment information
 - e. Location and phone number of command post and arrest processing area
 - f. Identification of squad sergeant and other ranking officers.
 - g. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.
- 43. Comply with instructions on the assignment guidelines listed in step 20.
- 44. Comply with instructions on PROHIBITED CONDUCT listed in step 21.



PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
213-05	07/19/16		7 of 9

**ADDITIONAL
DATA****TEAM ASSIGNMENTS**

- ❖ **CROWD DISPERSAL** - Responsible to take action against unlawful and disorderly groups. In line or wedge formations direct team to disperse a disorderly crowd.
- ❖ **MOBILE RESPONSE** - Required to create sectors in the disorder area for patrol by mobile response units. Also responsible to create a mobile reserve for emergency response and reliefs.
- ❖ **ARREST DUTY** - Required to implement appropriate arrest tactics under the supervision of sergeants and lieutenants.
- ❖ **GENERAL PATROL** - Responsible to provide teams assigned to foot patrol to create a sense of police presence in area. Required to select appropriate posts for patrol.
- ❖ **PROTECTING VULNERABLE, SENSITIVE OR CRITICAL LOCATIONS** - Responsible for correctly identifying locations and providing security for designated areas.
- ❖ **ESCORT DUTY** - Maintain a liaison with other agencies and utilities, and provide staging locations where the system of escorts can be administered.
- ❖ **CHECKPOINT DUTY** - Identify borders of the disorder and provide checkpoints on appropriate roadways to create a system to:
 - a. Detour traffic around the disorder area
 - b. Identify alternate routes for detoured traffic
 - c. Prevent unauthorized entry into the disorder area
 - d. Prevent disorderly groups from entering or exiting disorder area.



PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
213-05	07/19/16		8 of 9

**ADDITIONAL
DATA**
(continued)

MOBILE FIELD FORCE ASSIGNMENTS
PATROL SERVICES BUREAU

MOBILE FORCE	FIELD NUMBER	2 ND & 3 RD PLATOONS (1 SGT. AND 8 POs PER PRECINCT)		1 ST PLATOON (1 SGT. PER MOBILE FIELD FORCE 2 POs PER PRECINCT)		
		SGTs	POs	SGTs	POs	PCTS ASSIGNED
PBMS	1	3	24	1	6	1-5-7
	2	4	32	1	8	6-9-10-13
	3	3	24	1	6	MTS-17-MTN
SUBTOTAL		10	80	3	20	
PBMN	4	4	32	1	8	19-20-CPP-24
	5	4	32	1	8	26-30-33-34
	6	4	32	1	8	23-25-28-32
SUBTOTAL		12	96	3	24	
PBBX	7	4	32	1	8	40-42-44-48
	8	4	32	1	8	41-43-45-49
	9	4	32	1	8	46-47-50-52
SUBTOTAL		12	96	3	24	
PBBS	10	4	32	1	8	60-61-62-70
	11	5	40	1	10	66-68-72-76-78
	12	4	32	1	8	63-67-69-71
SUBTOTAL		13	104	3	26	
PBBN	13	3	24	1	6	73-75-81
	14	4	32	1	8	77-79-84-88
	15	3	24	1	6	83-90-94
SUBTOTAL		10	80	3	20	
PBQS	16	4	32	1	8	102-103-106-107
	17	4	32	1	8	100-101-105-113
SUBTOTAL		8	64	2	16	
PBQN	18	4	32	1	8	104-108-114-115
	19	4	32	1	8	109-110-111-112
SUBTOTAL		8	64	2	16	
PBSI	20	3	24	1	6	120-122-123
TOTAL PSB		76	608	20	152	

TRANSIT BUREAU

MEFF	1	3	24	1	6	PER TRANSIT
	2	4	32	1	8	PLAN (SEE
	3	4	32	1	8	ADD. DATA,
TOTAL TD		11	88	3	22	page 12)

HOUSING BUREAU

	1	3	24	1	6	ANY 3 PSAs
	2	3	24	1	6	DO
	3	3	24	1	6	DO
TOTAL HB		9	72	3	18	

GRAND TOTAL		96	768	26	192	
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NOTE

Mobile field forces are a method of organizing personnel into working groups utilizing the "old" geographical patrol division format with the exception of Patrol Borough Queens North and Queens South. The Housing Bureau and Transit Bureau will organize their mobile field forces as per their own Bureau plans.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
213-05	07/19/16		9 of 9

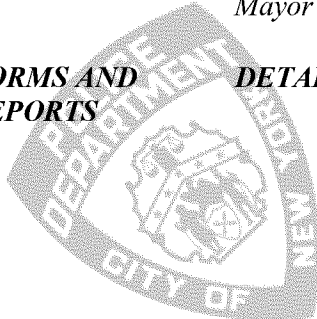
**ADDITIONAL
DATA***(continued)***TRANSIT BUREAU RESPONSE PLAN**

The Transit Bureau patrol boroughs do not currently correspond to the geographical and administrative patrol boroughs of the Patrol Services Bureau. To address this, the following response plan will be utilized:

PATROL BOROUGH MOBILIZED	2ND & 3RD PLATOON RESPONSE PER DISTRICT	1ST PLATOON RESPONSE PER DISTRICT	DISTRICT(S) REQUIRED TO RESPOND
PBMS	1 SGT. & 8 POs	2 POs	2 & 4
PBMN	1 SGT. & 8 POs	2 POs	1 & 3
PBBX	1 SGT. & 8 POs	2 POs	11 & 12
PBBS	1 SGT. & 8 POs	2 POs	32 & 34
PBBN	1 SGT. & 8 POs	2 POs	30 & 33
PBMS AND PBQS	1 SGT. & 8 POs	2 POs	20
PBSI	NONE	NONE	NONE

**RELATED
PROCEDURES**

Command Post Operations (P.G. 213-01)
Emergency Incidents (P.G. 213-02)
Rapid Mobilization (P.G. 213-03)
Mobilization Readiness Levels (P.G. 213-04)
Unusual Disorder Plan-Formulating Plan (P.G. 213-08)
Unusual Disorder Maps (P.G. 213-07)
Unusual Disorder Kits (P.G. 213-09)
Unusual Occurrence Reports (P.G. 212-09)
Mayor's Plan For Coordinated Action At Emergencies (A.G. 316-06)

**FORMS AND
REPORTS****DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)**



PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-02	
USE OF FORCE			
DATE ISSUED: 10/18/16	DATE EFFECTIVE: 10/18/16	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

To provide guidelines for members of the service (MOS) regarding the use of force, and ensure that each use of force is properly reported and documented.

DEFINITIONS

DE-ESCALATION – Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional MOS and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

ACTIVE RESISTING – Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signalling an intention to avoid or prevent being taken into or retained in custody.

ACTIVE AGGRESSION – Threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

PASSIVE RESISTANCE – Minimal physical action to prevent a member from performing their lawful duty. For example, a subject failing to comply with a lawful command and stands motionless and/or a subject going limp when being taken into custody.

RESISTING ARREST (NYS PENAL LAW) - A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person.

PROCEDURE

When a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with *P.G. 221-01, "Force Guidelines"* and:

UNIFORMED MEMBER OF THE SERVICE

1. Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody.
2. Utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, and increase the likelihood of gaining the subject's voluntary compliance.
3. Isolate and contain the subject, if appropriate.
4. Immediately request a supervisor to respond, as soon as appropriate and safety permits.
5. Request additional members, as necessary, to control situation.
6. Request the response of the Emergency Service Unit, if appropriate.

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PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-02	10/18/16		2 of 4

NOTE

MOS should consider whether a subject's lack of compliance is a deliberate attempt to resist, or alternatively, an inability to comply, resulting from factors including, but not limited to, medical condition, mental impairment, developmental disability, physical limitation, language barrier, and/or drug interaction.

**UNIFORMED
MEMBER OF
THE SERVICE
(continued)**

7. Comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons," if the subject is acting in a manner that would lead the member of service to believe that the subject is emotionally disturbed or under the influence of a mind-altering substance.

**SUPERVISOR
ON SCENE**

8. Assume command of the incident and coordinate the use of de-escalation techniques, if appropriate and consistent with officer safety.
9. Direct tactics to minimize the possibility of injury to members of the service, the subject, or bystanders.

**UNIFORMED
MEMBER OF
THE SERVICE/
SUPERVISOR
ON SCENE**

10. If the use of de-escalation and conflict negotiation techniques fail to persuade an uncooperative subject to cooperate, the supervisor/members of the service present should, if appropriate and consistent with officer safety:
 - a. Advise the offender that he/she will be charged with the additional offense of resisting arrest
 - b. Devise a tactical plan with members present to restrain the subject while minimizing the possibility of injury to members of the service, the subject, and bystanders
 - c. Advise the offender that physical force or other devices (e.g., O.C. pepper spray, shield, baton/asp, etc.) will be used to handcuff/restrain him/her before applying such force, if appropriate.

NOTE

Members of the service should not use O.C. Pepper Spray, Conducted Electrical Weapon, or impact weapons on persons who are passively resisting.

11. Apply no more than the reasonable force necessary to gain control.
 - a. Avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe.
12. Assess the situation continually and adjust the use of force as necessary.

NOTE

All members of the service must intervene to stop another member of the service from using excessive force. Failure to intervene in the use of excessive force, or report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Department discipline, up to and including dismissal. If a member of the service becomes aware of the use of excessive force or failure to request or to ensure timely medical treatment for an individual, the member must report such misconduct to the Internal Affairs Bureau Command Center. This report can be made anonymously.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-02	10/18/16		3 of 4

NOTE
(continued)

Obtaining a Confidential Identification Number from the Command Center investigator will satisfy the member's reporting responsibility, if the information is accurate and complete. Subsequent or ongoing reporting is encouraged to ensure the information is timely and complete and may be made by referencing the Confidential Identification Number.

**UNIFORMED
MEMBER OF
THE SERVICE**

13. Rear-cuff the subject, when practical.
 - a. If it is safer for the member of the service and the subject, the member of the service may front-cuff the subject initially, and then rear-cuff as soon as it is practical and safety allows.
 - b. If members of the service are having difficulty rear-cuffing a subject, Department issued leg restraints or Velcro straps to immobilize the legs of a subject may be used as an effective tactic to gain control, limit the subject's ability to flee or harm other individuals, and allow the subject to be safely rear-cuffed with minimal force.

NOTE

If available, Department issued alternative restraining devices should be used to restrain, or further restrain, subjects whose actions may cause injury to themselves or others.

14. Position the subject to promote free breathing, as soon as safety permits, by sitting the person up or turning the person onto his/her side.
15. Observe the subject closely for injuries, signs of serious illness, or difficulty breathing.
16. Whenever any level of force is used, inquire if subject requires medical attention and document response to inquiry in **ACTIVITY LOG (PD112-145)**.
17. If the subject is injured or ill, ensure subject receives proper medical attention.
18. Ensure subject receives immediate medical attention and provide first aid, if appropriate and properly trained, if subject is having difficulty breathing or demonstrates any potentially life-threatening symptoms or injuries.
19. If the location of the police action is poorly lit, use a flashlight or other source of illumination to maintain a clear view of the subject at all times.
20. Notify immediate supervisor regarding the type of force used, the reason force was used, and injury to any person involved.
21. Document use of force in **ACTIVITY LOG**.

**IMMEDIATE
SUPERVISOR**

22. Perform duties of the "immediate supervisor" as per P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," when notified or after becoming aware of any use of force incident.

**RELATED
PROCEDURES**

Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)
Force Guidelines (P.G. 221-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-02	10/18/16		4 of 4

***FORMS AND
REPORTS******ACTIVITY LOG (PD112-145)******STOP REPORT (PD383-151)******ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)******MEDICAL TREATMENT OF PRISONER (PD244-150)******AIDED REPORT***